Author: The principal author of this rule is Jim Krawchyk, Office of Surface Mining, U.S. Department of the Interior, 3 Parkway Center, Pittsburgh, PA 15220.

List of Subjects in 30 CFR Part 870

Incorporation by reference, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Dated: September 4, 1997.

Bob Armstrong,

Assistant Secretary for Land and Minerals Management.

Accordingly, 30 CFR part 870 would be amended as set forth below.

PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

1. The authority citation for Part 870 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*, as amended; and Pub. L. 100–34.

§ 870.17 [Removed]

2. Section 870.17 is removed.

[FR Doc. 97–23958 Filed 9–9–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5886–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Bowers Landfill Superfund Site from the national priorities list; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Bowers Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Ohio, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the site from the NPL may be submitted on or before October 10, 1997.

ADDRESSES: Comments may be mailed to Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Pickaway County District Public Library 165 E. Main St., Circleville, OH 43113. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Leo Rosales (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–6198.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Bowers Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA considers, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to

obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

Bowers Landfill is located in rural Pickaway County, Ohio, approximately 2.5 miles north of the City of Circleville. The site is just northwest of the intersection of Circleville-Florence Chapel Road and Island Road, on the east side of the Scioto River Valley. The landfill lies within the Scioto River floodplain, and its northwestern and southern most points abut the Scioto River. The north side of the landfill is bordered by an agricultural field. The field to the west of the landfill is now a wetlands area.

The landfill occupies about 12 acres of a 202-acre tract originally owned by the estate of Dr. John M. Bowers. Much of this tract is still owned by the Bowers' estate, but portions have been sold to other owners. The landfill was constructed as a berm approximately 3,500 feet long with an average width of 125 feet and a top height approximately 10 feet above grade. The reported waste volume of the landfill was approximately 130,000 cubic yards. Site records, although limited, indicated that some of the waste disposed in the landfill was hazardous. The landfill is no longer overtopped by flood waters. During construction, the height of the landfill was raised to prevent the overtopping of the landfill. The area around the landfill, including the field north of the landfill and the wetlands to the west are flooded several times per year. Drainage is still to the west and south towards the Scioto River.

The site area is rural, with 15 houses located within a ½ mile radius of the landfill. Houses in the area largely depended on private wells for water supply. No down gradient wells were within 1000 feet of the site. The City of Circleville's water supply wells are located about 1½ miles south of the site. The domestic wells have been sampled and no contamination has been found.

Dr. Bowers began operating the landfill in 1958. Little information is available on the types and quantities of wastes disposed of at Bowers Landfill. However, information from the Ohio Environmental Protection Agency (OEPA) files indicates that general domestic waste and industrial refuse, collected by private haulers in and around Circleville, account for most of the material in the landfill. Between 1963 and 1968, the site also received chemical wastes originating from local industries, including E.I. Du Pont de Nemours (Du pont) and Pittsburgh Plate Glass, Inc., now PPG Industries, Inc., (PPG). Du pont and PPG reported sending 6,000 and 1,700 tons of waste, respectively, to Bowers Landfill between 1965 and 1968. Both companies were considered potentially responsible parties (PRP) for contamination at the landfill. Waste disposal practices consisted largely of dumping waste directly onto the ground and covering it with soil. However, the southern end of the landfill may have been excavated for waste disposal. Waste also was burned at the site, but the extent and dates of waste burning were not known. Landfilling at the site ended around 1968. The site was not secured when landfilling ended, and the cover material of sand, gravel, and some topsoil was characterized as not sufficient during a 1971 inspection by the Pickaway County Health Department.

Between 1980 and 1982, U.S. EPA, OEPA and an engineering firm (Burgess & Niple, Limited, Columbus, Ohio) collected ground-water and surface water samples at Bowers Landfill. Results from these early samples showed that contaminants were being released from the landfill. Volatile organic compounds (VOC), including ethylbenzene, toluene, and xylene, were detected in monitoring wells and in surface water samples collected immediately west of the landfill. Groundwater concentrations as high as 86 mg/L (xylene) and surface water concentrations as high as 48 mg/L (toluene) were found. Based on these results, OEPA requested in 1982, that Bowers Landfill be placed on the National Priorities List (NPL) of Superfund sites, the site was proposed December 30, 1982, and the site was added to the NPL on September 8, 1983.

In 1985, U.S. EPA and OEPA signed a consent order with Du Pont and PPG, allowing the companies to conduct the remedial investigation (RI) and feasibility study (FS). After reviewing the results of these studies and of the endangerment assessment (EA), U.S. EPA issued a Record of Decision (ROD) for Bowers Landfill on March 31, 1989.

The U.S. EPA ROD selected capping of the landfill as the remedial action for Bowers Landfill. This action included six major components:

1. Removing surface debris and vegetation from the landfill.
2. Installing a low-permeability clay cover on the landfill.
3. Constructing erosion control measures and drainage improvements.
4. Restricting site access and use.
5. Maintaining the clay cover after construction.
6. Monitoring ground water and surface water.

In addition to the above components, a seventh component, a gas venting system was a part of the remedial design. The gas venting system was added to the remedial design because methane gas was detected during a pre-design soil gas survey at Bowers Landfill. U.S. EPA issued a work assignment to PRC (government contractors) on January 22, 1990, to perform the Remedial Design at the Bowers Landfill Site. The Design was completed in August 1991. PRC received the work assignment to perform the Remedial Action in September 1991. Remedial Action construction started in March 1992. As required by the ROD, the cover system for the Bowers Landfill was constructed to:

1. Minimize risk to public health and environmental from direct contact with contaminated material.
2. Minimize the migration of liquids through the closed landfill.
3. Minimize maintenance of the landfill site.
4. Promote drainage and minimize erosion of the cover.
5. Provide a maximum permeability of $1\times10-7$ cm/sec.

The first year of operation and maintenance (O&M) was overseen/conducted by U.S. EPA. The PRPs agreed to do the groundwater monitoring for the first year, with U. S. EPA's contractor, PRC, responsible for conducting the remaining tasks.

The specific tasks that were listed for the 30 years of operation and maintenance are as follows: (1) Gas monitoring, (2) ground and surface water monitoring, (3) maintenance of the landfill cap, (4) site inspections, and (5) repairs.

Beginning with the second year of O&M, the PRPs signed a consent decree with the State of Ohio in September 1996 to do all post-construction activities at the site. Early in the second year, the PRP's contractor abandoned Monitoring Well P15B. A bailer was caught at the bottom of the well. This well was replaced by Monitoring Well P15BR.

Groundwater sampling has been conducted on a quarterly basis. Gas monitoring has been done on a quarterly basis for methane and on a semi-annual basis for VOCs. Surface water is sampled a minimum of twice a year in the southern end of the ditch and once per year in each of the two wetlands ponds.

Based on the observations and inspections made during construction, the final survey data, photographic documentation, and quality assurance testing, PRC was able to certify that the landfill cover and all associated remedial construction had been completed in accordance with the design drawings and specifications, and is in compliance with the ROD signed by the Regional Administrator for Region 5 dated March 31, 1989.

Ground and surface water quality has not been diminished. No VOCs or semi-volatile organic compounds (SVOCs) have been detected in the first three sampling events of the second year of groundwater sampling. Barium continues to be detected in Monitoring Well P–5B, and sometime is above the MCL (maximum contaminant level). Nine downgradient monitoring wells contain one or more metals that are statistically significant.

Analytical data has been entered into the GRITS/STAT computer program and a statistical analysis was completed using a non-parametric analysis of variance (ANOVA) using the Kruskal-Wallace Test. Results from upgradient monitoring wells are compared to the results in downgradient monitoring wells to determine which downgradient wells show evidence of statistically significant levels of analytes.

The results of the comparison at Bowers Landfill indicated that several inorganic parameters are reported by GRITS/STAT as being statistically elevated with respect to background. Most of these parameters do not have primary MCLs. Barium has exceeded its MCL during some sampling events.

The nine monitoring wells with statistically significant sampling results have had comparable results in the past. No action is needed because no apparent threat exists.

There have been no significant surface water detections.

EPA, with concurrence from the State of Ohio, has determined that all appropriate Fund-financed responses under CERCLA at the Bowers Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Dated: August 21, 1997.

Michelle D. Jordan,

Acting Regional Administrator, U.S. EPA, Region V.

[FR Doc. 97–23691 Filed 9–9–97; 8:45 am]

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